

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

VAUGHN COLLINS,

Plaintiff,

v.

**MONMOUTH COUNTY
CORRECTIONAL INSTITUTE, et al.,**

Defendants.

Civil Action Nos. 21-2034 (FLW)

MEMORANDUM & ORDER

Plaintiff Vaughn Collins, currently confined Monmouth County Correctional Institute (“MCCI”), has filed an Amended Complaint through his counsel, Peter M. Kober, Esquire, who entered an appearance in this matter on August 10, 2021. *See* ECF Nos. 15, 16. The Amended Complaint asserts claims pursuant to 42 U.S.C. § 1983, arising from the alleged use of excessive force against Plaintiff, which occurred on or about October 29, 2020, at Monmouth County Correctional Institute, and the subsequent investigation. *See* ECF No. 16. The Court previously granted Plaintiff’s application to proceed *in forma pauperis*. *See* ECF No. 8.

In light of the appearance of counsel in this matter and counsel’s filing of an Amended Complaint, ECF Nos. 15-16, the Court will direct the Clerk of the Court to file the Amended Complaint, ECF No. 16, and send Plaintiff’s counsel the USM-285 form for each Defendant.¹

THEREFORE, it is on this 27th day of August 2021;

ORDERED that the Amended Complaint, ECF No. 16, shall be filed; and it is further

¹ The Court declines to dismiss the Amended Complaint pursuant to its screening authority under 28 U.S.C. § 1915 prior to the Answer.

ORDERED that, pursuant to 28 U.S.C. § 1915(b) and for purposes of account deduction only, the Clerk shall serve a copy of this Order by regular mail upon the Attorney General of the State of New Jersey and the Administrator of Monmouth County Correctional Facility; and it is further

ORDERED that Plaintiff is assessed a filing fee of \$350.00 and shall pay the entire filing fee in the manner set forth in this Order pursuant to 28 U.S.C. § 1915(b)(1) and (2), regardless of the outcome of the litigation; and it is further

ORDERED that pursuant to *Bruce v. Samuels*, 136 S. Ct. 627, 632 (2016), if Plaintiff owes fees for more than one court case, whether to a district or appellate court, under the Prison Litigation Reform Act (PLRA) provision governing the mandatory recoupment of filing fees, Plaintiff's monthly income is subject to a simultaneous, cumulative 20% deduction for each case a court has mandated a deduction under the PLRA; i.e., Plaintiff would be subject to a 40% deduction if there are two such cases, a 60% deduction if there are three such cases, etc., until all fees have been paid in full; and it is further

ORDERED that pursuant to 28 U.S.C. § 1915(b)(2), in each month that the amount in Plaintiff's account exceeds \$10.00, the agency having custody of Plaintiff shall assess, deduct from Plaintiff's account, and forward to the Clerk of the Court payment equal to 20% of the preceding month's income credited to Plaintiff's account, in accordance with *Bruce*, until the \$350.00 filing fee is paid. Each payment shall reference the civil docket numbers of the actions to which the payment should be credited; and it is further

ORDERED that the Clerk of the Court shall provide Plaintiff's counsel with a copy of the USM-285 form for each named Defendant; and it is further

ORDERED that Plaintiff's counsel shall complete the form for each Defendant and return them to the Clerk of Court, Clarkson S. Fisher Building & U.S. Courthouse, 402 East State Street, Trenton, NJ 08608; and it is further

ORDERED that upon Plaintiff's counsel sending of the completed forms to the Clerk of the Court, the Clerk shall issue summons, and the United States Marshal shall serve a copy of the Amended Complaint, ECF No. 16, summons, and this Order upon Defendants pursuant to 28 U.S.C. § 1915(d), with all costs of service advanced by the United States; and it is further

ORDERED that to the extent Plaintiff's counsel has already served each named Defendant, counsel need not re-serve the Defendants as described herein; and it is further

ORDERED that the Clerk of the Court shall also send a copy of this Order to Plaintiff by regular U.S. mail.

s/Freda L. Wolfson
Freda L. Wolfson
U.S. Chief District Judge